

BEFORE
THE PUBLIC SERVICE COMMISSION OF
SOUTH CAROLINA
DOCKET NO. 1999-214-T - ORDER NO. 1999-790
NOVEMBER 3, 1999

IN RE:	Application of Plair Enterprises, Inc. 2726)	ORDER GRANTING	✓ <i>HR</i>
	Depot Road, Post Office Box 835, Beaufort,)	TRANSFER OF	
	SC 29901-0835 to Transfer Class E)	CERTIFICATE	
	Certificate of Public Convenience and)		
	Necessity No. 3003-B to Graebel/North)		
	Carolina Movers, Inc. DBA Graebel Moving)		
	& Storage.)		

This matter comes before the Public Service Commission of South Carolina (the Commission) on the Application of Plair Enterprises, Inc. (Plair) to transfer its Class E Certificate of Public Convenience and Necessity No. 3003-B to Graebel/North Carolina Movers, Inc., DBA Graebel Moving and Storage (Graebel) (together, the Companies). The Certificate in question allows the transportation of household goods between points and places in South Carolina.

Pursuant to the instructions of the Commission's Executive Director, the Companies published a Notice of Filing one time in newspapers of general circulation throughout the territory served by Plair. The Companies furnished an affidavit of publication. The Notice of Filing informed the public as to how to participate in the proceedings before the Commission.

Two Petitions to Intervene were received, one from Dale J. Cook Moving & Storage, Inc. (Cook) and one from McCoy's Moving & Storage Company (McCoy). In

Order No. 1999-615, we granted Cook's Motion to withdraw its intervention. McCoy has moved to withdraw its intervention, as well. We grant the Motion.

Accordingly no intervenors or protestants remain in the case.

A hearing was held on October 21, 1999 at 2:30 PM in the Commission's hearing room, the Honorable William Saunders, Vice-Chairman, presiding. Both Plair and Graebel were represented by Bonnie D. Shealy, Esquire. The Commission Staff was represented by F. David Butler, General Counsel. The Companies presented the testimony of Tom Theisen and Frank Plair.

Tom Theisen testified as General Manager of Graebel. According to Theisen, Graebel is a full service relocation company, which does household, office, and industrial moves. If the proposed transfer is granted the Company would operate out of Charlotte at first, prior to eventually seeking an office in the Greenville-Spartanburg area. Theisen states that Graebel would employ operations people, a sales force, a receptionist, and a varied work force. Theisen notes that Graebel relocates corporate employees mostly.

Theisen provided thirteen (13) exhibits, including a safety update, the actual purchase agreement, two sets of bills of lading, photos of the equipment to be used in the business, vehicle inspection documents, Graebel's safety rating, its driver qualifications manual, its drug and alcohol abuse policy, its safety certification material, and its insurance coverage. Theisen also testified as to Graebel's statement under oath regarding the assets to be sold, the lack of debts or claim against the seller, wages due, and other matters discussed under our Regulation 103-135(3)(b).

Frank Plair, President of Plair Enterprises, Inc. also testified. Plair authenticated the bills of lading presented, and testified that he wanted to transfer the Class E Certificate of Plair Enterprises to Graebel. Plair also testified that if the Commission approved the transfer, he realized that he could no longer operate under the Certificate at issue.

Regulation 103-135(4) states the proof required before this Commission can approve the transfer of a Certificate of Public Convenience and Necessity. There are basically three criteria: 1) the sale will not adversely affect the service to the public under the certificate; 2) the person acquiring said certificate or control thereof must be fit, willing, and able to perform the service to the public under the Certificate; and 3) that all services under the Certificate have been continuously offered and reasonably provided to the public for a period of time not less than twelve months prior to the date of the filing of the application for approval of the sale.

We have examined the necessary criteria and have concluded that the Companies have met all three criteria and that the transfer of the certificate should be approved. First, it is obvious to us from the testimony of the witnesses that the sale will not adversely affect the service to the public under the certificate. Graebel's parent corporation appears to be a multi-state moving company with high standards for its equipment and drivers. We see no adverse effect to the service to the public under the certificate. Second, it appears to us that Graebel is fit, willing, and able to perform the service to the public under the certificate, considering the testimony given by Mr. Theisen. Graebel appears to have the personnel, equipment, and policies necessary to maintain the proper level of

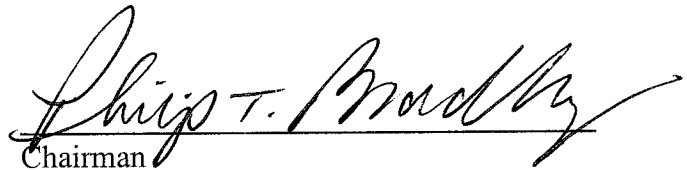
service to the public under the certificate. Lastly, it appears from the bills of lading furnished in the evidence that all services under the certificate have been continuously offered and reasonably provided to the public for a period of time not less than twelve (12) months prior to the date of the filing of the application for approval of the sale.

IT IS THEREFORE ORDERED:

1. That the transfer of Class E Certificate of Public and Convenience No. 3003-B from Plair to Graebel is hereby granted.
2. That the Applicant file the proper license fees and other information required by S.C. Code Ann. Section 58-23-10 et seq. (1976), as amended, and by R.103-100 through R.103-241 of the Commission's Rules and Regulations for Motor Carriers, S.C. Code Ann. Vol. 26 (1976), as amended, and R.38-400 through 38-503 of the Department of Public Safety's Rules and Regulations for Motor Carriers, S.C. Code Ann. Vol. 23A (1976), as amended within sixty (60) days of the date of this Order, or within such additional time as may be authorized by the Commission.
3. That upon compliance with S.C. Code Ann. Section 58-23-10, et. seq. (1976), as amended, and the applicable Regulations for Motor Carriers, S. C. Code Ann. Vol. 26 (1976), as amended, a certificate shall be issued to the Applicant authorizing the motor carrier services granted herein.
4. That prior to compliance with such requirements and receipt of a certificate, the motor carrier services authorized herein may not be provided.

5. This Order shall remain in full force and effect until further Order of the Commission.

BY ORDER OF THE COMMISSION:


Chairman

ATTEST:


Executive Director

(SEAL)